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ATTORNEY DOCKET NO: 71227

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KULLIK et al.
Serial No : 10/802,294
Confirm. No. : 3610
Filed : March 17, 2004
For : INCUBATOR WITH...
Art Unit : 3743
Examiner : Joseph Francis WEISS, JR.
Dated : October 27, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In accordance with Applicant's duty of disclosure Applicant is hereby submitting the following references which have been cited in a Foreign Application.

- EP 0 987 614 is a European Patent Application having a filing date of August 14, 1997. This reference describes an apparatus and method for controlling output of an oxygen concentrator. This reference also claims priority from U.S. Patent 5,746,806. The Foreign Examination has cited this reference as significant for indicating lack of novelty or inventive step in the corresponding Foreign Application.

- JP 6105873 is a Japanese Patent Office Publication having a publication date of April 19, 1994. This reference describes an oxygen tent and its purpose is to provide an oxygen inhaler capable of concentrating and circulating oxygen and air inside a hood. Applicant notes that only the abstract has been cited as being significant in the Foreign Application. The

Foreign Examination only cited the abstract as indicating a lack of novelty or inventive step in the Foreign Application.

- JP 9206341 is a Japanese Patent Office Publication having a publication date of August 12, 1997. This reference describes an incubator which accurately measures the oxygen concentration. The Foreign Examination only cited the abstract as indicating a lack of novelty or inventive step in the Foreign Application.

- JP 2001017549 is a Japanese Patent Office Publication having a publication date of January 23, 2001. This reference describes a medical oxygen concentrator and improves the operability of a humidifier. Only the abstract of this reference has been considered to be significant if combined with other documents.

- JP 11019215 is a Japanese Patent Office Publication having a publication date of January 26, 1999. This reference describes a humidifier for an oxygen concentrator which is superior in sanitary and economy. Only the abstract of this reference has been considered to be significant if combined with other documents.

- JP 11000398 is a Japanese Patent Office Publication having a publication date of January 6, 1999. This reference describes an oxygen concentrating device for oxygen therapy such that installation and removal of a humidifier part are made easier. Only the abstract in this reference has been indicated to be significant if combined with other documents.

Applicant notes that the claims in the corresponding Foreign Application do not compare with the present claims in the present application. Therefore the significance of these references with regard to the Foreign Application is not directly applicable to the present

application. It is Applicant's position that the present claims define over the above references.

Favorable action is respectfully requested.

Respectfully submitted
for Applicant,

By: 

Theobald Dengler
Registration No. 34,575
McGLEW AND TUTTLE, P.C.

TD:tf
71227.12

Enclosed: copy of Search Report
copies of (6) References

DATED: October 27, 2005
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
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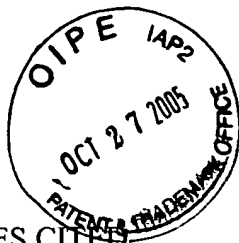
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McGLEW AND TUTTLE, P.C.
SCARBOROUGH STATION, SCARBOROUGH, NY 10510-0827

BY: 

DATE: October 27, 2005



LIST OF REFERENCES CITED
BY APPLICANT
(Use several sheets if necessary)

Atty Docket No.: 71227
Ser. No.: 10/802,294
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Applicant: KULLIK et al.
Filing Date: March 17, 2004
Group: 3743

U.S. PATENT DOCUMENTS

Ex- aminer Initial	Document No.	Date	Name	Class	Sub- class	Filing Date
	<u>5,746,806</u>	<u>May 5, 1998</u>	<u>Aylsworth et al.</u>			<u>Aug. 15, 1996</u>
	<u>3,680,557</u>	<u>Aug. 1, 1972</u>	<u>Doniguian</u>			<u>May 6, 1970</u>

FOREIGN PATENT DOCUMENTS

Ex- aminer Initial	Document No.	Date	Country	Class	Sub- class	Translation Yes/No
	<u>EP 0 987 614</u>	<u>Aug. 14, 1997</u>	<u>Europe</u>			<u>Yes</u>
	<u>JP 6105873</u>	<u>April 19, 1994</u>	<u>Japan</u>			<u>No</u>
	<u>JP 9206341</u>	<u>Aug. 12, 1997</u>	<u>Japan</u>			<u>No</u>
	<u>JP2001017549</u>	<u>Jan. 23, 2001</u>	<u>Japan</u>			<u>No</u>
	<u>JP 11019215</u>	<u>Jan. 26, 1999</u>	<u>Japan</u>			<u>No</u>
	<u>JP 11000398</u>	<u>Jan. 6, 1999</u>	<u>Japan</u>			<u>No</u>

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

Ex- aminer Initial	Author	Date	Title	Textbook in	Translation Yes/No

Joseph Francis WEISS, JR.
Examiner

Date Considered